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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,945	07/11/2003	Heiner Glombik	02481.1832	2047
5487 7:	590 02/02/2005		EXAMINER	
ROSS J. OEH			PESELE	V, ELLI
AVENTIS PHARMACEUTICALS INC. ROUTE 202-206			ART UNIT	PAPER NUMBER
MAIL CODE: D303A			1623	
	ER, NJ 08807		DATE MAILED: 02/02/2005	

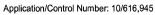
Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/616,945	GLOMBIK ET AL.	
Office Action Summary	Examiner	Art Unit	
	Elli Peselev	1623	
The MAILING DATE of this communication	on appears on the cover sheet w	ith the correspondence addres	ss
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR ITHE MAILING DATE OF THIS COMMUNICAT Extensions of time may be available under the provisions of 37 after SIX (8) MONTHS from the mailing date of this communicat. If the period for reply specified above is less than thirty (30) day. If NO period for reply is specified above, the maximum statutory. Failure to reply within the set or extended period for reply villy. Any reply received by the Office later than three months after the same dipatent term adjustment. See 37 CFR 1.704(b).	"ION. CFR 1.136(a). In no event, however, may a tion. s, a reply within the statutory minimum of thi y period will apply and will expire SIX (6) MO y statute, cause the application to become A	reply be timely filed rty (30) days will be considered timely. YEANDONED (35 U.S.C. § 133).	unication
Status			
1) Responsive to communication(s) filed on	1		
	This action is non-final.		
3) Since this application is in condition for a	allowance except for formal ma	tters, prosecution as to the me	erits is
closed in accordance with the practice u			
Disposition of Claims			
4) ☐ Claim(s) 1-17 is/are pending in the applic	cation		
4a) Of the above claim(s) is/are w			
5) Claim(s) is/are allowed.	illidiawii iloili consideration.		
6) Claim(s) 1-17 is/are rejected.			
7) Claim(s) is/are rejected.			
8) Claim(s) are subject to restriction	and/or election requirement		
o) are subject to resultaness.			
Application Papers			
9) The specification is objected to by the Ex	aminer.		
10) The drawing(s) filed on is/are: a)	☐ accepted or b)☐ objected to	by the Examiner.	
Applicant may not request that any objection	to the drawing(s) be held in abeya	ance. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the	correction is required if the drawin	g(s) is objected to. See 37 CFR 1	1.121(0
11) The oath or declaration is objected to by	the Examiner. Note the attache	ed Office Action or form PTO-	152.
Priority under 35 U.S.C. § 119			
12)⊠ Acknowledgment is made of a claim for f	oreign priority under 35 U.S.C.	§ 119(a)-(d) or (f).	
a)⊠ All b)□ Some * c)□ None of:			
1.⊠ Certified copies of the priority doc	uments have been received.		
2. Certified copies of the priority doc	uments have been received in	Application No	
3.☐ Copies of the certified copies of the			age
application from the International			
* See the attached detailed Office action for	r a list of the certified copies no	t received.	
Attachment(s)			
1) Notice of References Cited (PTO-892)	4) 🗍 Interview	Summary (PTO-413)	
Notice of References Cited (PTO-692) Notice of Draftsperson's Patent Drawing Review (PTO-9)		(s)/Mail Date	
Notice of Draitsperson's Patent Brawing Review (FTO-S) Information Disclosure Statement(s) (PTO-1449 or PTO	o-10,	Informal Patent Application (PTO-15	

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Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for compounds of Examples 5, 6, 7, 9, 11, 13, 34, 43, 44, 45, 47, 50, 54 and 56, and a method for lowering blood glucose with said compounds, does not reasonably provide enablement for compounds encompassed by the instant claims which are structurally significantly different from the compounds set forth in the above cited examples and a method of treating diabetes or lowering blood glucose with said compounds. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The specification on page 38 presents data for 14 specific compounds. All but one of said compounds have structural formulas herein both R1 and R2 are hydrogen atoms and only one compound of example 54 has structural formula wherein R2 is F3. However, the instant claims encompass such structurally divergent compounds wherein, for example, R1 is CON[(C6)-alkyl]2 and R2 is phenyl. Also, in the compounds tested the variable A represents C(O)CH2CH2, CH2, CH2CH2 or CH=CH-CH2, while the instant claims encompass such structurally unrelated compounds as, for example, wherein A represents -N((C1-C6)-alkylphenyl), NH, S or CHF. Further, in the compounds tested Cyc1 represents a thiophene group or a benzene ring. However, the instant claims encompass such structurally unrelated compounds as, for example, Cyc1 representing 3, 4 or 7 membered unsaturated or saturated ring, wherein 1 carbon atom is optionally replaced by O. Since even minor changes in chemical formulas can produce unpredictable changes in activity and since the treatment of diabetes is highly



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unpredictable, there is a good reason to doubt that the compounds encompassed by the instant claims are effective for treating diabetes or lowering blood glucose levels.

Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 11 are substantial duplicates. Note that claim 11 encompasses nothing more than compounds of claim 1 i.e. a pharmaceutically acceptable carrier has not been set forth.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elli Peselev whose telephone number is (571) 272-0659. The examiner can normally be reached on 9.00-5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ELLI PESELEV RIMARY EXAMINEI GROUP 1200